

# MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

## GENERAL PERMIT FOR CONCENTRATED ANIMAL FEEDING OPERATIONS

**Permit No.: MTG010000**

### AUTHORIZATION TO DISCHARGE UNDER THE MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the Montana Water Quality Act, Title 75, Chapter 5, Montana Code Annotated (MCA) and the Federal Water Pollution Control Act (the "Clean Water Act"), 33 U.S.C. § 1251 *et seq.*, owners and operators of concentrated animal feeding operations (CAFOs), except those CAFOs excluded from coverage in Part I of this permit, are authorized to discharge and must operate their facility in accordance with the limitations, monitoring requirements, and other provisions set forth herein. A written letter of authorization from the Department is required before an owner or operator of a CAFO is authorized to discharge under this general permit.

A copy of this General Permit and letter of authorization must be kept on site at all times.

This permit shall become effective: **November 1, 2008**

This permit and the authorization to discharge shall expire at midnight, **October 31, 2013.**

FOR THE MONTANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

/s/

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Jenny Chambers, Chief  
Water Protection Bureau  
Permitting & Compliance Division

Issuance Date: September 25, 2008

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## **PART I. APPLICABILITY AND COVERAGE**

### **A. Permit Area**

This General Permit applies to all areas of the State of Montana, except for Indian country as defined in 18 USC 1151.

### **B. Eligible Sources**

Owners or operators of animal feeding operations that meet the definition of a concentrated animal feeding operation (CAFO) as defined at 40 CFR 122.23 or are designated as described at 40 CFR 122.23 are eligible for coverage under this general permit.

Pursuant to 75-5-802 of the MCA, an operation that meets the definition of a CAFO at 40 CFR 122.23, and also meets the requirements of 40 CFR, Part 412, must be authorized by the Department under this general permit, unless, if upon review of an application for a general permit authorization for a CAFO production area, the Department discovers site-specific information that indicates that a general permit authorization is not sufficiently protective of water quality.

### **C. Sources Excluded from Coverage Under this General Permit**

Under the following provisions of ARM 17.30.1341(4), the Department may deny authorization to discharge under the CAFO GP:

1. The specific source applying for authorization appears unable to comply with the following requirements:
  - a. Effluent standards, effluent limitations, standards of performance for new sources of pollutants, toxic effluent standards and prohibitions, and pretreatment standards.
  - b. Water quality standards established pursuant to 75-5-301, MCA.
  - c. Prohibition of discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste.
  - d. Prohibition of any discharge which the secretary of the army acting through the chief of engineers finds would substantially impair anchorage and navigation.
  - e. Prohibition of any discharges to which the regional administrator has objected in writing.

- f. Prohibition of any discharge which is in conflict with a plan or amendment thereto approved pursuant to section 208(b) of the Federal Clean Water Act.
  - g. Any additional requirements that the Department determines are necessary to carry out the provisions of 75-5-101, et seq., MCA.
- 2. The discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in the CAFO GP.
- 3. An MPDES permit or authorization for the same operation has previously been denied or revoked.
- 4. The discharge sought to be authorized under the CAFO GP is also included within an application or is subject to review under the Major Facility Siting Act, 75-20-101, et seq., MCA.
- 5. The point source will be located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications adopted under 75-5-301, MCA, impacts on fishery resources, local conditions at proposed discharge sites, and designations of wilderness areas under 16 USC 1132 or of wild and scenic rivers under 16 USC 1274.

**D. Facilities Applying for Coverage after the Effective Date of this Permit**

Owner or operator of a new or existing concentrated animal feeding operation seeking to obtain cover under this general permit must submit a complete application package to the Department at the address given below. A complete package consists of:

- 1. A complete application form DEQ Form 2B. The application must be signed and certified in accordance with Part V.N of this permit; and
- 2. The applicable application fees; and
- 3. A site-specific Nutrient Management Plan (NMP) using DEQ Form NMP (Appendix A). Form NMP must be completed to the satisfaction of the Department. This form must be signed and certified in accordance with Part V.N of this permit; and
- 4. Plans and specifications prepared by an individual qualified to design animal waste management plans and developed in accordance with the design criteria

given in the February 2006 version of Department Circular DEQ-9 (Montana Technical Standards for Concentrated Animal Feeding Operations). The most recent version is available upon request to the Water Protection Bureau at the address given below, or on the Department's website at: [www.deq.mt.gov](http://www.deq.mt.gov).

This material must be submitted to:

Department of Environmental Quality (DEQ)  
Water Protection Bureau  
P.O. Box 200901  
Helena, MT 59620-0901

Incomplete or unsigned applications or NMP forms will be returned.

The Department will make the NMP available for public comment for a minimum of 30 days. Thirty days following close of the public comment period; the Department will issue a letter of authorization approving the NMP, or notify the applicant to revise and submit an updated NMP.

**E. Facilities Covered Under the August 15, 2000 General Permit or Facilities Having Submitted a Complete Application Form Prior to Effective Date of This CAFO GP**

1. Owners or operators of existing facilities that are eligible for coverage under this General permit and have submitted a complete application form prior to the effective date of this permit must submit the following additional information by the dates indicated:
  - a. A complete nutrient management plan Form NMP (Appendix A) within 90 days after the effective date of this permit.
  - b. As requested by the Department, an updated and signed application (Form 2B) reflecting the current nature and operation of the facility. An application fee is not required.
2. Incomplete or unsigned NMP forms or applications will be returned. The Department will make the NMP available for public comment for a minimum of 30 days. Thirty days following close of the public comment period, the Department will issue a letter of authorization approving the NMP or requiring the applicant to revise the NMP.

3. Permittees covered under the August 15, 2000 General Permit (MTG010000) maintain coverage under the reissued permit unless notified by the Department that coverage has been terminated. Permit coverage may be terminated based on any of the following:
  - a. Failure to submit a NMP as required by the Permit;
  - b. Failure to meet the eligibility criteria of Part I.A through Part I.B of this permit; or
  - c. If, upon review of an application for a general permit authorization for a concentrated animal feeding operation production area, the department discovers site-specific information that indicates that a general permit authorization is not sufficiently protective of water quality, the department shall require an individual permit.

**F. Notice of Termination**

The permittee may submit a request for termination in writing that is signed in accordance with Part V.N of this General Permit. The request for termination must include the following information:

1. The facility or site name and location, mailing address or geographic location of the facility or activity that is regulated under this permit;
2. The name, address, and telephone number of the owner or operator as identified on the current authorization letter;
3. The MPDES Permit Authorization Number as stated in the Permit Authorization Letter;
4. A detailed explanation and/or documentation which demonstrates and confirms that that the regulated facility or activity has been eliminated; and,
5. The request for termination must be signed and certified in accordance with the requirements in Part V.N of this General Permit. The request for termination must be sent to the following address:

Department of Environmental Quality  
Water Protection Bureau  
P.O. Box 200901

Helena, MT 59620-0901

Any owner or operator of a facility or site covered under this permit may request to be excluded from coverage under this permit by applying for an individual MPDES permit. If a final individual MPDES permit is issued to the owner or operator authorization to discharge under this general permit is terminated on the effective date of the individual MPDES permit.

**G. Duty to Reapply**

This permit will expire five years from the effective date. The permittee must reapply for permit coverage 180 days prior to the expiration date of this permit. If this permit is not reissued or replaced prior to the expiration dates, it will be administratively continued in accordance with ARM 17.30.1313 and remains in full force and effect. Any permittee who is granted permit coverage prior to the expiration date will automatically remain covered by the continued permit unless notified by the Department that coverage is being terminated for cause.



## **PART II. EFFLUENT LIMITATIONS AND OTHER CONDITIONS**

The following effluent limitations apply to all facilities covered by this permit:

### **A. Effluent Limitations and Standards – Production Area**

There shall be no discharge of manure, litter, or process wastewater pollutants from the production area into state waters except as provided for below.

Whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged to state waters provided:

1. For new and existing dairy and cattle operations, other than veal, the production area is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 25-year, 24-hour rainfall event. The applicable rainfall value for the location of the CAFO operation subject to this requirement is determined from the 25-year, 24-hour rainfall map given in Appendix C. The weather station to determine the amount of precipitation that occurs at the facility shall be specified in the permittee's authorization letter. Alternatively, the permittee has the option of maintaining a comparable precipitation gauge at the facility;
2. For new swine, poultry, and veal calf operations, the production area is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 100-year, 24-hour rainfall event. The applicable rainfall value for the location of the CAFO operation subject to this requirement is determined from the 100-year, 24-hour rainfall map given in Appendix C. The weather station to determine the amount of precipitation that occurs at the facility shall be specified in the permittee's authorization letter. Alternatively, the permittee has the option of maintaining a comparable precipitation gauge at the facility;
3. All animal waste management systems or components constructed after February 23, 2006 conform to the standards set forth in Department Circular DEQ 9 (February 2006); and
4. The production area is operated in accordance with the additional measures and record-keeping requirements specified in Part III and IV of this permit.

### **B. Effluent Limitations and Standards – Land Application Area**

There shall be no discharge of manure, litter, or process wastewater to state waters from the land application area under the control of the CAFO owner or operator, except, if the facility has developed and implemented a Nutrient Management Plan (NMP) in accordance with Part IV.A of this permit and, as applicable, Part III.D of this permit.

## **PART III. MONITORING, REPORTING & NOTIFICATION REQUIREMENTS**

### **A. Discharge Notification and Reporting**

#### **1. Notification Requirements**

If for any reason there is a discharge of pollutants from the permitted facility, the permittee shall notify the Department orally within 24 hours from the time the permittee becomes aware of the discharge. Oral notification shall be reported to the Department's Water Protection Bureau at (406) 444-3080. If the discharge occurs on a weekend or holiday, the permittee shall leave a message describing the circumstances of the discharge.

In addition to the oral notification, the permittee shall provide a written submission to the Department within five (5) days of the time the permittee initially becomes aware of the discharge. The written submission shall contain the following:

- a. A description of the discharge and its cause, including a description of the flow path to state waters, and an estimate of the volume and duration of the discharge.
- b. The period of discharge, including exact dates and times; and
- c. If the discharge is from an unpermitted location (noncompliance), the steps taken or planned by the permittee to reduce, eliminate, and prevent recurrence of the discharge.

#### **2. Monitoring and Reporting of Discharge from Production Area**

In the event of any overflow or any other discharge of pollutants from the production area, including waste control structures, whether or not the discharge is authorized by this permit, the permittee shall take the following steps:

- a. The permittee shall sample and analyze the discharge for the following parameters: *Escherichia coli* bacteria, total ammonia nitrogen (NH<sub>3</sub>-N plus NH<sub>4</sub>-N) as N, total nitrogen (as nitrogen [N]), total phosphorus, five-day biochemical oxygen demand (BOD), total suspended solids (TSS), and pH. The analyses shall be conducted according to test procedures approved under Part 136, Title 40 of the Code of Federal Regulations.
- b. Provide notification to the department, as required in Part III.A.1 of this

permit.

- c. Record the duration of the discharge (in days) and estimated volume of the discharge.
- d. If the discharge was a result of precipitation, a record of the total precipitation at the official gage station identified within the permittee's authorization letter under this general permit, or at an on-site rain gauge, for the period of weather that resulted in the discharge.
- e. If conditions are not safe for sampling the discharge, the permittee must provide documentation of why samples could not be collected and analyzed. The permittee may be unable to take samples during dangerous weather conditions, such as local flooding, high winds, electrical storms, etc. However, after the dangerous conditions have passed, the permittee shall collect a sample from the waste control structure or area from which the discharge occurred.
- f. The permittee shall submit the information required in this section on a discharge monitoring report (DMR) form (EPA Form No. 3320-1) provided by the Department. The DMR form must be submitted to the Department by January 28 of each year for the previous calendar year. *If no discharge occurs during the entire monitoring period, it shall be stated on the DMR form.* The DMR form shall be signed and certified in accordance with Part V.N of this permit.

### **3. Additional Monitoring Requirements – Ground Water**

The Department may require the permittee to monitor ground water in the vicinity of the facility if any component of the production or land application area constitutes a potential source (ARM 17.30.1001(14)) of pollution to state ground water. Monitoring may be required in areas having shallow ground water or soils materials in the unsaturated zone with low filtering capacity. The Department shall specify any ground water monitoring requirements, including parameters, in the facility's letter of authorization. Ground water sample, analysis and reporting is subject to the monitoring and reporting provision of this permit, including conformance with 40 CFR 136 procedures. Ground water monitoring may be required by the Department regardless of whether or not a discharge of pollutants occurs. Ground water monitoring results are subject to the Reopener Provisions of Part V of this permit.

**B. Transfer of Manure, Litter, and Process Wastewater – Applicable to All Large CAFOs**

The permittee shall maintain records of the transfer of manure, litter, and process wastewater to other persons. These transfer records shall include the following:

1. The date of transfer; and
2. The recipient's name and address; and
3. The approximate amount of manure, litter, or process wastewater transferred to other persons (gallons/tons); and
4. Verification that prior to transferring manure, litter, or process wastewater to other persons, the permittee provided the recipient of the manure, litter, or process wastewater with the most current nutrient analysis.

**C. Production Area Monitoring and Recordkeeping Requirements – Applicable to Large Dairy Cow, Cattle, Veal Calf, Swine, and Poultry CAFOs**

1. The permittee shall conduct routine visual inspections of the production areas. The permittee shall, at a minimum, conduct and keep records of the following:
  - a. Weekly inspections of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the wastewater and manure storage and containment structure; and
  - b. Daily visual inspections of all water lines, including drinking water or cooling water lines; and
  - c. Weekly inspections of the manure, litter, and process wastewater impoundments. The inspection will note the level in liquid impoundments as indicated by a depth marker. All open surface liquid impoundments must have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event, or, in the case of new swine, poultry, or veal calf operations, the runoff and direct precipitation from a 100-year, 24-hour rainfall event.
2. In addition to the records described above, the permittee shall maintain the following records:

- a. Records of anything the permittee did to correct problems found during the inspections described in Part III.C.1 above. Any deficiencies found as a result of these inspections must be corrected as soon as possible. If it takes longer than 30 days to correct the problem(s), records must be kept documenting the reasons the problem(s) could not be corrected right away; and
- b. Records of the current design of the manure and litter storage structure(s), including, but not limited to the volume of solids accumulation, the approximate number of days' worth of storage capacity, the design treatment volume, and the total design volume; and
- c. Records of overflows from the production area(s), including the date, time, and estimated volume of overflow.
- d. Records of mortalities management and practices. Mortalities must not be disposed of in any liquid manure or process wastewater system, and must be handled in such a way as to prevent the discharge of pollutants to state waters.

**D. Land Application Area Monitoring and Recordkeeping Requirements – Applicable to Large Dairy Cow, Cattle, Veal Calf, Swine, and Poultry CAFOs**

- 1. The permittee shall keep records of the following:
  - a. Expected crop yields; and
  - b. Date(s) manure, litter, or process wastewater is applied to each field; and
  - c. Weather conditions 24 hours before, during, and after manure, litter, or process wastewater is land applied; and
  - d. How manure, litter, process wastewater, and soil was sampled, and the test methods used to analyze the sample(s); and
  - e. Laboratory sample results of the manure, litter, process wastewater, and soil analyses; and
  - f. How application rates for manure, litter, and process wastewater were calculated; and

- g. Calculations used to decide how much nitrogen and phosphorus to apply to each field; and
  - h. Calculations showing the total amount of nitrogen and phosphorus actually applied to each field; and
  - i. Explanation of how manure, litter, and/or process wastewater is land applied; and
  - j. Dates that the application equipment was inspected.
- 2. The permittee shall follow all of the applicable technical standards and procedures specified in Section 6 of Department Circular DEQ 9 (February 2006).
  - 3. The permittee shall maintain on-site a copy of their site-specific nutrient management plan (NMP).

**E. Annual Report**

- 1. The permittee shall submit an annual report to the Department by no later than January 28<sup>th</sup> of each year. The annual report shall cover the previous calendar year, and shall be submitted to the address in Part III.G.7 of this permit.
- 2. The annual report must be submitted using “Form AR2”, provided in Appendix B of this permit. All information requested in Form AR2 must be included, as applicable.

**F. General Monitoring and Recordkeeping**

- 1. The permittee shall maintain the following records:
  - a. A copy of the facility’s site-specific nutrient management plan completed in accordance with the requirements specified in this permit; and
  - b. The results of any manure, litter, and process wastewater sampling and analysis; and
  - c. The results of any soil sampling and analysis; and

- d. Records that document the implementation of the facility's site-specific nutrient management plan.
2. The permittee shall implement the applicable production area best management practice requirements specified in Section 4, Table 4 of Department Circular DEQ 9 (February 2006).
3. The permittee shall implement the applicable land application area best management practice requirements specified in Section 4, Table 5 of Department Circular DEQ 9 (February 2006).
4. A representative manure sample shall be analyzed a minimum of once annually for Total Kjeldahl Nitrogen, Nitrate-nitrogen, and Total Phosphorus. The results of these analyses shall be used in determining application rates for manure, litter, and process wastewater.
5. A representative 0-6-inch soil sample shall be analyzed a minimum of once every five years for phosphorus content. The result of this analysis shall be used in determining application rates for manure, litter, and process wastewater.

**G. Standard Monitoring and Reporting Requirements**

1. Representative Sampling

Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Manure samples shall be collected at a location representative of the quality of manure immediately prior to use-disposal practice.

2. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under Part 136, Title 40 of the Code of Federal Regulations, unless other test procedures have been specified in this permit.

3. Penalties for Tampering

The Montana Water Quality Act provides that any person who falsifies, tampers



with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000, or by imprisonment for not more than six months, or by both.

4. Method of Reporting Monitoring Results and Additional Monitoring by the Permittee

Monitoring results shall be reported on the appropriate discharge monitoring report (DMR) if one is provided to the permittee, by the Department. If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted on the DMR. Such increased frequency shall also be indicated.

5. Additional, Site-specific Monitoring

The permittee shall comply with any additional monitoring requirements specified by the Department, in writing, pursuant to 75-5-602, MCA of the Montana Water Quality Act.

6. Records Contents

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements; and
- b. The initials or name(s) of the individual(s) who performed the sampling or measurements; and
- c. The date(s) analyses were performed; and
- d. The time analyses were initiated; and
- e. The initials or name(s) of individual(s) who performed the analyses; and
- f. The analytical techniques or methods used; and
- g. The results of such analyses.

7. Submittal of Records and Reports

The permittee shall submit required records and reports to the following address:

Department of Environmental Quality  
Water Protection Bureau  
P.O. Box 200901  
Helena, Montana 59620-0901

**H. Other Information**

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it shall promptly submit such facts or information with a narrative explanation of the circumstances of the omission or incorrect submittal and why they weren't supplied earlier.

**I. Representative Sampling**

Samples taken in compliance with the monitoring requirements established under Part III of the permit shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to use-disposal practice.

**J. Compliance Schedule Reporting**

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

**K. Retention of Records**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this MPDES permit and authorization letter must be maintained on site during the duration of activity at the permitted location.

**L. Inspection and Entry**

The permittee shall allow the head of the Department or the Regional Administrator, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance, any substances or parameters at any location.

**M. Additional Monitoring May Be Required**

In order to effectively monitor the discharge of wastes to state waters, the Department may require the permittee to do the following:

1. Establish and maintain records;
2. Make reports;
3. Install, use, and maintain monitoring equipment or methods, including biological monitoring techniques;
4. Sample effluents using specified monitoring methods at designated locations and intervals;
5. Provide other information as may be reasonably required by the Department.

## **PART IV. SPECIAL CONDITIONS**

### **A. Nutrient Management Plan**

1. Each CAFO covered by this permit shall develop, submit to the Department, and implement a site-specific nutrient management plan (NMP) in accordance with the schedule specified below:
  - a. For facilities that have permit coverage under the Department's August 15, 2000 CAFO General Permit, or have applied for permit coverage prior to the effective date of the new CAFO GP, a complete NMP using Form NMP must be submitted to the Department within 90 days of the effective date of this permit. The NMP must then be fully implemented by February 27, 2009.
  - b. For facilities seeking to obtain coverage after the effective date of this permit, a complete, site-specific NMP using Form NMP must be included with your application package. The site-specific NMP must be fully implemented by the date upon which an authorization letter is issued to the new permittee.
2. The NMP shall be submitted to the Department using "Form NMP" as found in Appendix B of this permit. At a minimum, it shall include the following:
  - a. A completed, signed and certified copy of Form NMP, and all supporting documents required in Form NMP; and
  - b. The elements specified in Section 3 of Department Circular DEQ 9 (February 2006); and
  - c. The best management practices described in Section 4, Tables 4 and 5, of Department Circular DEQ 9 (February 2006); and
  - d. CAFOs that land apply manure, litter, or process wastewater to land under the ownership and/or operational control of the permittee must provide the following information on the NMP:
    - i. A field-specific assessment, as specified in Section 6 of Department Circular DEQ 9 (February 2006), conducted to determine the appropriate basis for application rates (nitrogen or phosphorus based applications); and

- ii. A field-specific estimate of the expected crop type and yield for each land application site, as specified in Section 6 of Department Circular DEQ 9 (February 2006); and
  - iii. A determination of the appropriate nutrient needs for the crops to be grown on the land application sites, as specified in Section 6 of Department Circular DEQ 9 (February 2006); and
  - iv. A nutrient budget, conducted as specified in Section 6 of Department Circular DEQ 9 (February 2006), in order to determine the manure application rate.
3. The completed, signed and certified copy of Form NMP constitutes the facility's NMP. A current copy of the NMP shall be kept on site and provided to the Department upon request.
4. The NMP shall be signed by the permittee in accordance with Part V of this permit, "Signatory Requirements."
5. The permittee shall amend the NMP a minimum of once every five years, in accordance with Section 3 of Department Circular DEQ 9 (February 2006). In addition, the permittee shall request a modification of the NMP whenever the permittee makes material and substantial alterations or additions to the permitted facility or activity. Substantial alterations or additions include any changes at the facility or in its operation that would render the information in the NMP either obsolete or erroneous. They do not include changes that meet the criteria for minor modifications as specified in ARM 17.30.1362. Requests for modification of the NMP shall be submitted to the Department and must include the following items.
- a. A complete, signed and certified, updated Form NMP and its supporting documents; and
  - b. A letter identifying the proposed modifications and the reason(s) they are necessary; and
  - c. An application fee.

A modified NMP must be reviewed and approved by the Department.

## **B. Facility Closure**

The following conditions shall apply to the closure of lagoons and other earthen or

synthetic lined basins and other manure, litter, or process wastewater storage and handling structures:

1. Closure of Lagoons and Other Surface Impoundments

- a. No lagoon or other earthen or synthetic lined basin shall be permanently abandoned.
- b. Lagoons and other earthen or synthetic lined basins shall be maintained at all times until closed in compliance with this section.
- c. All lagoons and other earthen or synthetic lined basins must be properly closed if the permittee ceases operation. In addition, any lagoon or other earthen or synthetic lined basin that is not in use for a period of twelve consecutive months must be properly closed unless the facility is financially viable, intends to resume use of the structure at a later date, and either (1) maintains the structure as though it were actively in use, to prevent compromise of structural integrity, or (2) removes manure and wastewater to a depth of one foot or less and refills the structure with clean water to preserve the integrity of the synthetic or earthen liner. In either case, the permittee shall notify the Department of the action taken, and shall conduct routine inspections, maintenance, and record keeping as though the structure were in use. Prior to restoration of use of the structure, the permittee shall notify the Department and provide the opportunity for inspection.
- d. The following criteria apply to all closures of lagoons and other earthen or synthetic lined basins:
  - i. The closure shall comply with all federal, state, and local laws, rules, and regulations.
  - ii. All structures used to convey waste to waste impoundments shall be removed and replaced with compacted earth material or other materials otherwise rendered unable to convey waste.
  - iii. Liquid and slurry wastes shall be agitated and pumped to the extent conventional pumping will allow. Clean water shall be added as necessary to facilitate the agitation and pumping. The wastewater shall be utilized in accordance with the facility's site-specific Nutrient Management Plan. The manure solids remaining on the bottom and sides of the waste treatment lagoons or waste storage ponds may remain in place if they will not pose a threat to

the environment. If leaving the manure solids in place would pose a threat, the manure solids shall be removed to the fullest extent practical and either land-applied at agronomic rates or transferred to other persons in accordance with any applicable transfer requirements from Part III.B of this permit.

- iv. Land Reclamation. Waste impoundments with embankments may be breached so that they will no longer impound water, and excavated impoundments may be backfilled so that these areas may be reclaimed for other uses. Waste impoundments that have water impounded against the embankment are considered embankment structures if the depth of water is three feet or more above natural ground.
  - (a) Embankment Impoundments. Waste shall be removed from the site before the embankment is breached. The slopes and bottom of the breach shall be stable for the soil material involved, however the side slopes shall be no steeper than three horizontal to one vertical (3:1).
  - (b) Excavated Impoundments. The backfill height shall exceed the design finished grade by 5 percent to allow for settlement. The finished surface shall be constructed of the most clayey material available and mounded to shed rainfall runoff. Incorporate available topsoil where feasible to aid establishment of vegetation.
- v. Conversion to Fresh Water Storage. The converted impoundment shall meet all applicable state laws and regulations governing the impoundment of fresh water. When manure solids are not removed from a waste impoundment that is converted to fresh water storage, the impoundment shall not be used for fish production. Precautions (fencing and warning signs) shall be used to ensure that the pond is not used for incompatible purposes such as swimming and livestock watering until water quality is adequate for these purposes.
- vi. All disturbed areas not returned to crop production shall be vegetated or otherwise stabilized to control erosion. Measures shall be taken during construction/deconstruction to minimize site erosion and pollution of downstream water resources. This may include, but is not limited to the installation of silt fences, hay bale barriers, temporary vegetation, and mulching material.

- e. Unless otherwise authorized by the Department, completion of closure for lagoons and other earthen or synthetic lined basins shall occur as promptly as practicable after the permittee ceases to operate, or if the permittee has not ceased operations, 12 months from the date on which the use of the structure ceased, unless the lagoons or basins are being maintained for possible future use in accordance with the requirements above.
2. Closure procedures for Other Manure, Litter, or Process Wastewater Storage and Handling Structures

No other manure, litter, or process wastewater storage and handling structure shall be abandoned. Closure of all such structures shall occur as promptly as practicable after the permittee has ceased to operate, or, if the permittee has not ceased to operate, within 12 months after the date on which the use of the structure ceased. To close a manure, litter, or process wastewater storage and handling structure, the permittee shall remove all manure, litter, or process wastewater and dispose of it in accordance with the permittee's NMP, or if applicable, document its transfer from the permitted facility in accordance with off-site transfer requirements specified in Part III.B of this permit, "Transfer of Manure, Litter, and Process Wastewater," unless otherwise authorized by the Department.



## **PART V. STANDARD CONDITIONS**

### **A. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the Department and the Director advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance.

### **B. Penalties for Violations of Permit Conditions**

The Montana Water Quality Act provides that any person who violates a permit condition of the Act is subject to civil or criminal penalties not to exceed \$25,000 per day or one year in prison, or both, for the first conviction, and \$50,000 per day of violation or by imprisonment for not more than two years, or both, for subsequent convictions. MCA 75-5-611(a) also provides for administrative penalties not to exceed \$10,000 for each day of violation and up to a maximum not to exceed \$100,000 for any related series of violations. Except as provided in permit conditions on Part V.F of this permit, "Bypass of Treatment Facilities" and Part V.G of this permit, "Upset Conditions," nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

### **C. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **D. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

### **E. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

**F. Bypass of Treatment Facilities**

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts V.F.2.a and V.F.3.a of this permit.
2. Notice:
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part III.A. of this permit, "Discharge and Noncompliance Monitoring and Reporting."
3. Prohibition of bypass:
  - a. Bypass is prohibited and the Department may take enforcement action against a permittee for a bypass, unless:
    - i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - iii. The permittee submitted notices as required under Part V.F.2.a of

this permit.

- b. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in Part V.F.3.a of this permit.

## **G. Upset Conditions**

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part V.G.2 of this permit are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required under Part III.A of this permit, "Discharge and Noncompliance Monitoring and Reporting"; and
  - d. The permittee complied with any remedial measures required under Part V.D of this permit, "Duty to Mitigate".
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

## **H. Planned Changes**

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit; or
2. There are any planned substantial changes to the existing manure, litter or process wastewater management practices of storage and disposal. The permittee shall give the Department notice of any planned changes at least 180 days prior to their implementation.

**I. Anticipated Noncompliance**

The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**J. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

**K. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application must be submitted at least 180 days before the expiration date of this permit.

**L. Duty to Provide Information**

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

**M. Other Information**

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it shall promptly submit such facts or information.

**N. Signatory Requirements**

All applications, reports or information submitted to the Department shall be signed and certified.

1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is considered a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Department; and
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or an individual occupying a named position.)
3. Changes to authorization. If an authorization under Part V.N.2 of this permit is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.N.2 of this permit must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

**O. Penalties for Falsification of Reports**

The Montana Water Quality Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than six months per violation, or by both.

**P. Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department and the Director. As required by the Clean Water Act, permit applications, permits and effluent data shall not be considered confidential.

**Q. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

**R. Property or Water Rights**

The issuance of this permit does not convey any property or water rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

**S. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

## **T. Transfers**

This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Department at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;
3. The Department does not notify the existing permittee and the proposed new permittee of an intent to revoke or modify and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part V.T.2 of this permit; and
4. Required annual and application fees have been paid.

## **U. Fees**

The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for the payment, the Department may:

1. Impose an additional assessment consisting of not more than 20% of the fee plus interest on the required fee computed as provided in 15-1-216; or
2. Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. The Department may lift suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments and interest imposed under this sub-section. Suspensions are limited to one year, after which the permit will be terminated.

**V. Reopener Provisions.**

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations, compliance schedule, if necessary, or other appropriate requirements if one or more of the following events occurs:

1.     **Water Quality Standards:** The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
2.     **Water Quality Standards are Exceeded:** If it is found that water quality standards in the receiving stream or ground water are exceeded for parameters included in the permit, the Department may modify the effluent limits or other permit conditions.
3.     **TMDL or Wasteload Allocation:** TMDL requirements or a wasteload allocation is developed and approved by the Department and/or EPA for incorporation in this permit.
4.     **Toxic Pollutants:** A toxic standard or prohibition is established under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit.



## **PART VI. DEFINITIONS**

1. “25-year 24-hour rainfall event” means a precipitation event with a probable recurrence interval of once in 25 years as defined by the National Weather Service in Technical Paper Number 40, “Rainfall Frequency Atlas of the United States,” May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.
2. “Act” means the Montana Water Quality Act, Title 75, Chapter 5, MCA.
3. “Animal feeding operation” (AFO) means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:
  - a. animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
  - b. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
4. “Concentrated animal feeding operation” (CAFO) means an AFO that is defined as a Large CAFO or as a Medium CAFO by the terms of Part VI.13 or Part VI.15 of this permit, or that is designated as a CAFO by the Department. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes (40 CFR 122.23(b)(2)).
5. “Department” means the Montana Department of Environmental Quality.
6. “Director” means the Director of the Department of Environmental Quality or his/her designee.
7. “Discharge Monitoring Report” (DMR) means the Department’s uniform form for the reporting of self-monitoring results by permittees.
8. “Discharge of pollutants” means any addition of any pollutant or combination of pollutants to state waters from any point source (ARM 17.30.1304(16)).
9. “EPA” means the United States Environmental Protection Agency.
10. “Federal Clean Water Act” means the federal legislation at 33 USC 1251, et seq.

11. “Hazardous substance” means any substance designated under 40 CFR Part 116 pursuant to section 311 of the federal Clean Water Act.
12. “Land application area” means land under the control of an AFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied (40 CFR 122.23(b)(3)).
13. “Large concentrated animal feeding operation” (“Large CAFO”). An AFO is defined as a Large CAFO if it stables or confines as many as or more than the numbers of animals specified in any of the following categories:
  - a. 700 mature dairy cows, whether milked or dry;
  - b. 1,000 veal calves;
  - c. 1,000 cattle other than mature dairy cows or veal calves. “Cattle” includes but is not limited to heifers, steers, bulls and cow/calf pairs;
  - d. 2,500 swine each weighing 55 pounds or more;
  - e. 10,000 swine each weighing less than 55 pounds;
  - f. 500 horses;
  - g. 10,000 sheep or lambs;
  - h. 55,000 turkeys;
  - i. 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system;
  - j. 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
  - k. 82,000 laying hens, if the AFO uses other than a liquid manure handling system;
  - l. 30,000 ducks (if the AFO uses other than a liquid manure handling system); or
  - m. 5,000 ducks (if the AFO uses a liquid manure handling system).

14. “Manure” is defined to include manure, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.
15. “Medium concentrated animal feeding operation” (“Medium CAFO”). The term Medium CAFO includes any AFO with the type and number of animals that fall within any of the ranges listed below and which has been defined or designated as a CAFO. An AFO is defined as a Medium CAFO if:
  - a. The type and number of animals that it stables or confines falls within any of the following ranges:
    - i. 200 to 699 mature dairy cows, whether milked or dry;
    - ii. 300 to 999 veal calves;
    - iii. 300 to 999 cattle other than mature dairy cows or veal calves. “Cattle” includes but is not limited to heifers, steers, bulls and cow/calf pairs;
    - iv. 750 to 2,499 swine each weighing 55 pounds or more;
    - v. 3,000 to 9,999 swine each weighing less than 55 pounds;
    - vi. 150 to 499 horses;
    - vii. 3,000 to 9,999 sheep or lambs;
    - viii. 16,500 to 54,999 turkeys;
    - ix. 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;
    - x. 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
    - xi. 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;
    - xii. 10,000 to 29,999 ducks (if the AFO uses other than a liquid manure handling system); or
    - xiii. 1,500 to 4,999 ducks (if the AFO uses a liquid manure handling

system); and

- b. Either one of the following conditions are met:
    - i. Pollutants are discharged into waters of the state through a man-made ditch, flushing system, or other similar man-made device; or
    - ii. Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation (40 CFR 122.23(b)(6)).
16. “New or increased source” means an activity resulting in a change of existing water quality occurring on or after April 29, 1993. The term does not include the following:
- a. sources from which discharges to state waters have commenced or increased on or after April 29, 1993, provided the discharge is in compliance with the conditions of and does not exceed the limits established under or determined from, a permit or approval issued by the Department prior to April 29, 1993;
  - b. nonpoint sources discharging prior to April 29, 1993;
  - c. withdrawals of water pursuant to a valid water right existing prior to April 29, 1993; and
  - d. activities or categories of activities causing nonsignificant changes in existing water quality pursuant to ARM 17.30.715, 17.30.716, or 75-5-301 (5) (c), MCA.
17. “New Source” means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
- a. after promulgation of standards of performance under section 306 of the federal Clean Water Act which are applicable to such source;
  - b. after proposal of standards of performance in accordance with section 306 of the federal Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal; or

- c. after the publication of proposed pretreatment standards under section 307(c) of the federal Clean Water Act which will be applicable to such source if such standards are thereafter promulgated with that section, provided that:
  - i. the building, structure, facility or installation is constructed at a site at which no other source is located;
  - ii. the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - iii. the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- d. construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of “c,” “i,” or “iii” but otherwise alters, replaces, or adds to existing process or production equipment.
- e. construction of a new source as defined under this section has commenced if the owner or operator has:
  - i. begun, or caused to begin as part of a continuous on-site construction program;
    - (a) any placement, assembly, or installation of facilities or equipment; or
    - (b) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - ii. entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or

contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

18. “On-site” means upon the piece of land or property on which the production area is located, including immediately adjacent land used in connection with the facility or activity. (E.g. this includes instances where a business office is located on an immediately adjacent piece of property. This does not include offices, homes, or other facilities on property that does not share an adjoining boundary with the production area.)
19. “Overflow” means the discharge of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, process wastewater, or storm water can be contained by the structure (40 CFR 412.2(g)).
20. “Pollutant” means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological material, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural wastes discharged into water (ARM 17.30.1304(42)).
21. “Process wastewater” means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding (40 CFR 122.23(b)(7)).
22. “Production area” means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included is the definition of production area is any egg washing or egg processing facility, and any area used in the storage,

handling, treatment, or disposal of mortalities (40 CFR 122.23(b)(8)).

23. “Regional Administrator” means the administrator of Region VIII of the United States Environmental Protection Agency, which has jurisdiction over federal water pollution control activities in the state of Montana.
24. “State waters” or “waters of the state” means a body of water, irrigation system, or drainage system, either surface or underground. The term does not apply to the following:
  - a. Ponds or lagoons used solely for treating, transporting, or impounding pollutants.
  - b. Irrigation waters or land application disposal waters when the waters are used up within the irrigation or land application disposal system and the waters are not returned to state waters.
25. “Toxic pollutant” means any pollutant listed as toxic pursuant to section 1317(a)(1) of the federal Clean Water Act and set forth in 40 CFR Part 129.

## **Appendices**

**Appendix A – Rainfall Maps – “25-year, 24-hour” and “100-year, 24-hour”**

**Appendix B – Form AR2 – Annual Report Form**

**Appendix C – Form NMP – Nutrient Management Plan**



Isopluvials of 25-year 24 hour precipitation in tenths of an inch.

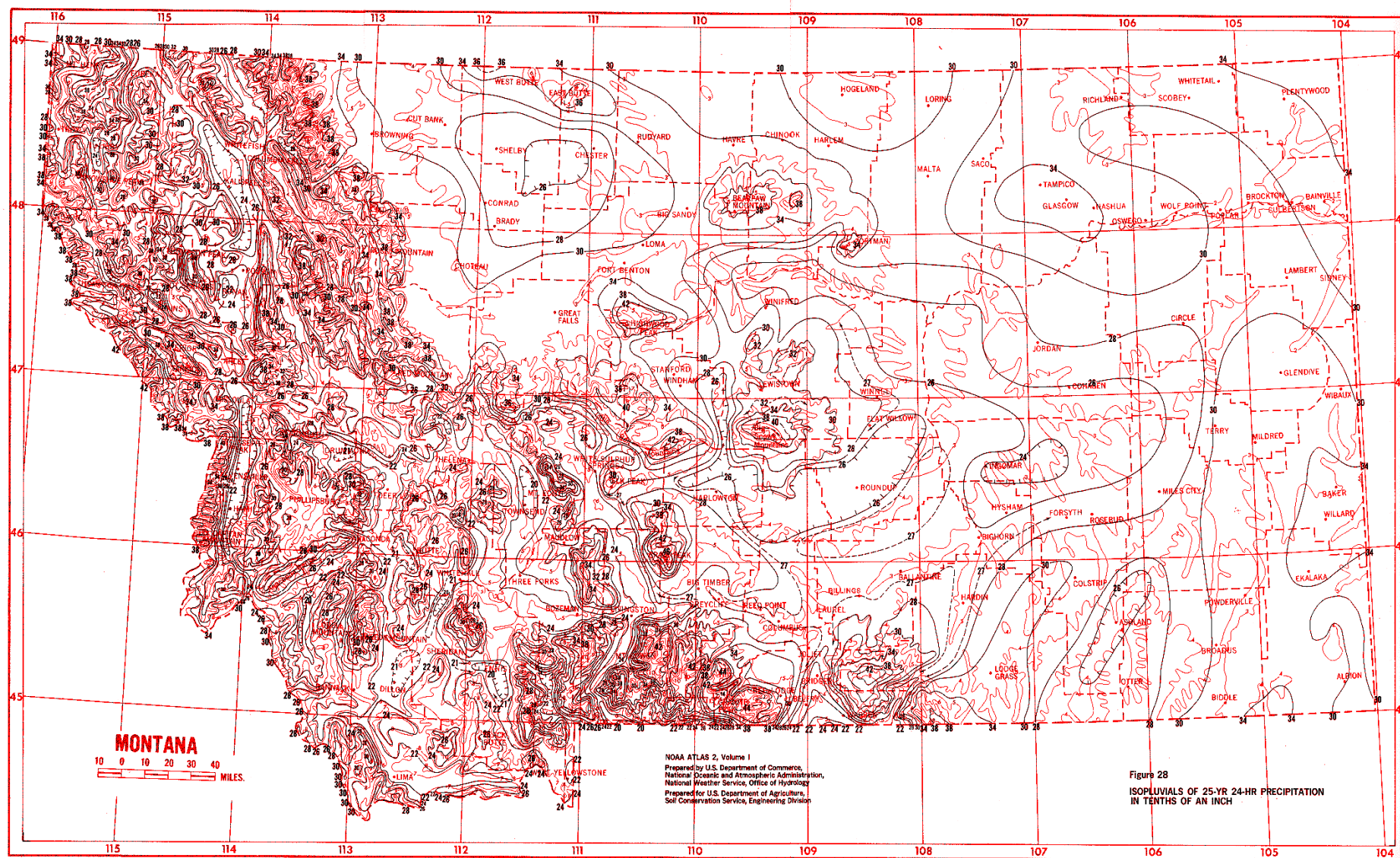


Figure 28  
ISOPLUVIALS OF 25-YR 24-HR PRECIPITATION  
IN TENTHS OF AN INCH

Isopleths of 100-year 24 hour precipitation in tenths of an inch.

